IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 2642 OF 2005

MRS. MUMTAZ ABDUL AZIZ MALIK .. PETITIONER

Versus

THE STATE OF MAHARASHTRA & ORS... RESPONDENTS

Mr. R. C. Mishra i/b M. P. Mishra for petitioner

Mr. B. Shroff, AGP for R

CORAM:-SMT. RANJANA DESAI &

A. S. OKA, JJ.

DATED:-19/11/2005

P.C.

. Heard learned counsel for the petitioners.

2. The structure in question is already demolished. The petitioners are seeking declaration that the demolition action of the defendant 2 dated 21/1/05 is illegal, bad in law, improper and the same has been done without following due process of law as the structures are protected as per the policy of Government of Maharashtra. They are also seeking a direction to the defendants to permit them to construct the said

structures.

3. This petition involve disputed questions of facts. We are unable to entertain this petition. Hence dismissed. The petitioners will be at liberty to file a suit, if they are so advised. We have expressed no opinion on merits of the case.

(SMT. RANJANA DESAI,J.)

(A. S. OKA, J.)